
Application for Transfer (Exchange) 89876 (Murdock Subdivision Water Users Association)

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 2 attachments (748 KB)

9-16-25 Draft Transfer 89876.pdf; Withdrawal of Protest Form.pdf;

Dear Parties,

When we met last week, I agreed to prepare a draft transfer approval incorporating the conditions we discussed during the settlement conference. Attached is a draft transfer approval. Each water right listed in the approval includes the following conditions:

Diversion of water under this right is limited to times when water is available for diversion under the priority of this right at the original point of diversion on Rapid Creek in the NENENE, Section 22, T07S, R36E.

This water right is subordinate to all Jackson Creek water rights in existence on September 15, 2025, and any splits therefrom. This right bears a priority date of September 15, 2025, for the purpose of administration of water rights on Jackson Creek. This right bears a priority date of June 1, 1885, for the purpose of administration of water rights on Rapid Creek, the Portneuf River, or the Snake River.

The first condition confirms that the right is only as reliable as it would be at its original point of diversion. If, for example, Rapid Creek went dry at the original point of diversion, then the water rights may not be diverted from Jackson Creek because there would be no physical exchange of water.

The second condition protects the water users on Jackson Creek from any curtailment or delivery call by the transferred water rights. In other words, the rights become the most junior rights for the purpose of water right administration on Jackson Creek. The rights, however, are not subordinated to water rights on Rapid Creek, the Portneuf River, or the Snake River. They retain their listed priority date (6/1/1885) for any delivery calls made by downstream water users.

Please review the draft approval and respond to this email with any comments or concerns by Friday, September 26th. If the conditions address the concerns of the protestants, the protests can be withdrawn using the attached form. Please indicate that your withdrawal is conditional - based on the 9/16/25 draft approval. Feel free to call if you have any questions.

James